

**FAEGRE BAKER DANIELS LLP**  
TARIFA B. LADDON (*Pro Hac Vice*)  
*tarifa.laddon@faegrebd.com*  
THEODORE O'REILLY (*Pro Hac Vice*)  
*theodore.oreilly@faegrebd.com*  
11766 Wilshire Boulevard, Suite 750  
Los Angeles, CA 90025  
Telephone: (310) 500-2090  
Facsimile: (310) 500-2091

*Attorneys for Defendants*  
Biomet, Inc.; Biomet Orthopedics, LLC; and  
Biomet U.S. Reconstruction, LLC

**JAMES MORRIS LAW FIRM**  
JAMES A. MORRIS, JR. (*Pro Hac Vice*)  
*jmorris@jamlawyers.com*  
4111 W. Alameda Ave., Suite 611  
Burbank, CA 91505-4164  
Telephone: (747)283-1144  
Facsimile: (747)283-1143

*Attorneys for Plaintiff*  
Mitchell Gonzalez

[Additional attorneys listed on following page.]

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

MITCHELL GONZALEZ,

Case No. 2:18-cv-01744-GMN-EJY

Plaintiff,  
v.

Honorable Gloria M. Navarro  
Honorable Elayna J. Youshah.

BIOMET, INC.; BIOMET ORTHOPEDICS,  
LLC; and BIOMET U.S.  
RECONSTRUCTION, LLC.

**STIPULATION TO AMEND  
SCHEDULING ORDER  
(First Request)**

## Defendants.

Amended Complaint: February 7, 2014

Case Transferred: September 10, 2018

1      **ALVERSON TAYLOR & SANDERS**  
2      LEANN SANDERS (Nevada Bar No. 390)  
3      *lsanders@alversontaylor.com*  
4      6605 Grand Montecito Pkwy, Suite 200  
5      Las Vegas, NV 89149  
6      Telephone: (702) 384-7000  
7      Facsimile: (702) 385-7000

8      *Attorneys for Defendants*  
9      Biomet, Inc.; Biomet Orthopedics, LLC; and  
10     Biomet U.S. Reconstruction, LLC

11     **WETHERALL GROUP, LTD.**  
12     Peter C. Wetherall  
13     *pwetherall@wetherallgroup.com*  
14     9345 W. Sunset Road, Suite 100  
15     Las Vegas, NV 89148  
16     Telephone: (702) 838-8500  
17     Facsimile: (702) 837-5081

18     *Attorneys for Plaintiff*  
19     Mitchell Gonzalez

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1 Plaintiff Mitchell Gonzalez (“Plaintiff”), together with Defendants Biomet Inc.;  
2 Biomet Orthopedics, LLC; Biomet U.S. Reconstruction, LLC; and Biomet Manufacturing,  
3 LLC (collectively, “Biomet,” and together with Plaintiff, the “Parties”), by and through their  
4 respective undersigned counsel, respectfully move the Court for an extension of fact and  
5 expert discovery deadlines to enable the Parties time to complete complex pretrial efforts  
6 and efficiently explore options for resolving this case. In support of their stipulation, the  
7 Parties state as follows:

8 1. This case involves a variety of product liability claims against Biomet due to  
9 Plaintiff’s use of the Biomet M2a Metal-on-Metal Hip Replacement System.

10 2. This case was consolidated into the United States District Court for the  
11 Northern District of Indiana in the South Bend Division, where Judge Robert L. Miller, Jr.  
12 presides over *In Re: Biomet M2a Magnum Hip Implant Products Liability Litigation* (MDL  
13 2391), cause number: 3:12-MD-2391 (“Biomet M2a Magnum MDL”). Judge Miller  
14 transferred this case to this Court on September 10, 2018. *See* Dkt. 192.

15 3. After remand, this Court issued a Scheduling Order on July 15, 2019, setting a  
16 fact discovery deadline of December 13, 2019 and an expert discovery deadline of March  
17 20, 2020, among other pretrial dates. Dkt. No. 215.

18 4. Since remand, Biomet has actively completed discovery efforts. However, as  
19 detailed below, additional time is needed to complete fact and expert discovery due to the  
20 complexity of this litigation.

21 5. Biomet has subpoenaed Plaintiff’s medical records from 15 medical  
22 providers. Thus far, Biomet has collected 1,757 pages of records but is still in the process  
23 of completing case-specific record collection from Plaintiff’s remaining treating physicians.

24 6. Biomet requires the medical records from Plaintiff’s treating physicians and  
25 facilities in order to identify additional treaters, depose treating physicians and prepare  
26 expert witnesses. This task has been laborious due to the large number of physicians and  
27 medical departments being contacted.

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1           7. On November 8, 2019, Biomet served written discovery requests on Plaintiff,  
2 and Plaintiff's responses are due December 11, 2019.

3           8. Also, Biomet will seek access to Plaintiff's explanted hip device at issue in  
4 this case. The Parties must reach an agreement as to the protocol for shipping, handling,  
5 and inspection of the explant device. Once Biomet is in possession of the device, its experts  
6 will conduct an inspection that will take approximately six weeks to complete. Biomet's  
7 inspection must be done in order to complete expert disclosures.

8           9. The Parties believe that additional time to complete the above-described fact  
9 and expert discovery would benefit both sides and result in judicial efficiency.

10          10. This request does not affect a trial date, as one has not yet been set.

11          11. This is the Parties' first request for an extension of pretrial deadlines.

12          12. This request is not made for the purpose of delay.

13          **IT IS HEREBY STIPULATED AND REQUESTED**, by and between the Parties  
14 and their respective counsel, that discovery and motion deadlines be extended as specified  
15 in this stipulation as follows:

- 16           • Last date to complete case-specific fact discovery from December 13, 2019 to  
17            April 10, 2020.
- 18           • Last date for Plaintiff to disclose experts for case-specific experts from  
19            January 17, 2020 to June 19, 2020.
- 20           • Last date for Defendants to disclose experts for case-specific experts from  
21            February 14, 2020 to July 10, 2020.
- 22           • Last date to disclose rebuttal experts from March 6, 2020 to August 7, 2020.
- 23           • Last date to complete case-specific expert discovery from March 20, 2020 to  
24            August 21, 2020.
- 25           • Last date to file dispositive motions from April 30, 2020 to September 30,  
26            2020.
- 27           • Last date to file joint pretrial order from June 2, 2020 to November 2, 2020,  
28            unless dispositive motions are filed.

Dated: November 15, 2019

JAMES MORRIS LAW FIRM

By:



JAMES A. MORRIS, JR.

Dated: November 15, 2019

FAEGRE BAKER DANIELS LLP

By: /s/ Theodore O'Reilly  
TARIFA B. LADDON  
THEODORE O'REILLY

## IT IS SO ORDERED:

Leyna J. Zouchah  
UNITED STATES MAGISTRATE JUDGE

**DATED:** November 18, 2019